

BILLY J. WILLIAMS, OSB #901366
United States Attorney
District of Oregon
PETER D. SAX
Assistant United States Attorney
Peter.Sax@usdoj.gov
1000 SW Third Avenue, Suite 600
Portland, OR 97204-2902
Telephone: (503) 727-1000
Attorneys for United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:17-cr-00248-BR

v.

**GOVERNMENT'S SENTENCING
MEMORANDUM**

ARTURO AISPURO,

Defendant.

**Sentencing: February 20, 2019,
at 11:00 a.m.**

Defendant conspired to distribute methamphetamine and abused hundreds of roosters by raising and training them to participate in cockfights. A seventy-eight month sentence is appropriate in this case.

BACKGROUND

Defendant was a member of a criminal conspiracy to distribute methamphetamine in and around Salem, Oregon. (Plea Agreement Factual Basis at ¶ 6, Docket No. 35.) In furtherance of this conspiracy, defendant, with assistance from a co-conspirator, sold 882 grams of methamphetamine (actual) to a confidential informant in Milwaukie, Oregon, on or about April

Government's Sentencing Memorandum

13, 2017. (*Id.*) On or about May 3, 2017, near Tigard, law enforcement intercepted defendant as he transported approximately 442 grams of methamphetamine (actual) for further distribution.

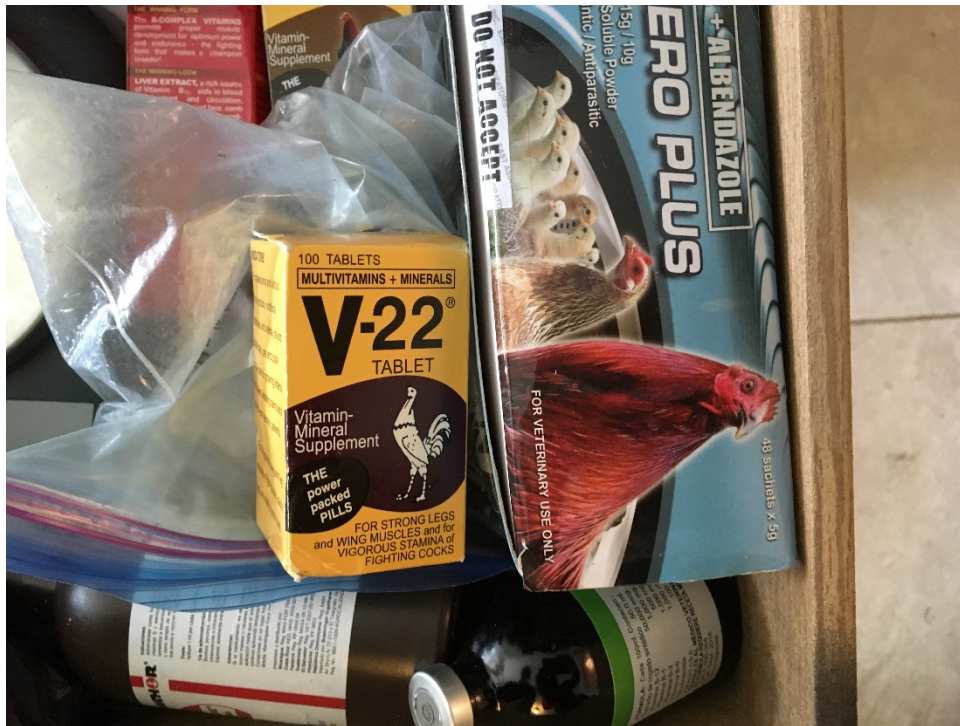
(*Id.*)

On June 13, 2017, DEA agents executed a search warrant at defendant's Salem residence and found marijuana, a small amount of cocaine, body armor, a digital scale, vacuum sealers, and more than 20 firearms.



Items Found during Execution of Search Warrant at Defendant's Residence. (Bates No. 429.)

Agents also found and seized cockfighting literature, vitamins and supplements used to increase roosters' stamina, and sets of gaffs (sharp metal spurs that attach to a rooster's legs).



(Bates No. 414.)



(Bates No. 784.)

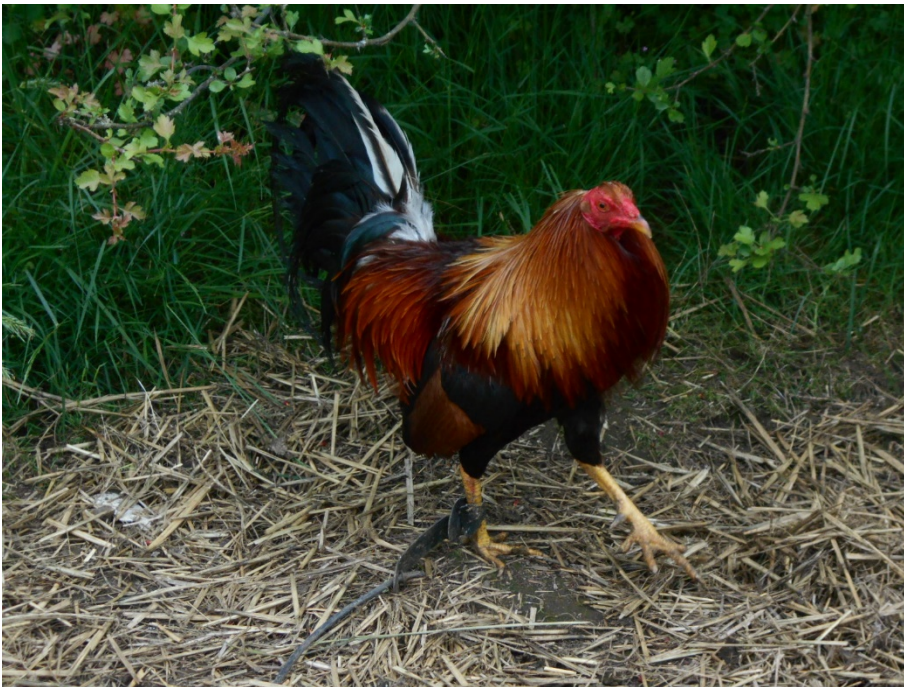


(Bates No. 454.)

Investigators also executed a search warrant on defendant's ranch in Scio, Oregon, where they found more than 200 roosters that were being raised and trained to participate in cockfights. This included removal of the roosters' combs and wattles to make them more effective fighting birds.



A partial view of the ranch in Scio, Oregon. (Bates No 779.)



One of the more than 200 roosters found at the ranch. (Bates No. 776.)



Another picture from the ranch in Scio, Oregon. (Bates No 768.)

On June 12 2018, defendant pleaded guilty to Count One of the Indictment in Case No. 3:17-cr-00248-BR, which charged Conspiracy to Distribute Methamphetamine, in violation of Title 21, U.S.C. §§ 841(a)(1), 841(b)(1)(A)(viii), and 846. Defendant also pleaded guilty to Count 5 of the Indictment, charging Training and Sale of Fighting Animals, in violation of 7 U.S.C. § 2156(b). As part of his plea colloquy, defendant admitted that he raised and sold roosters to buyers who used the birds in cockfighting derbies. Some of these derbies occurred in states other than Oregon. Defendant sold his best fighting roosters for \$400.00 - \$500.00 per bird.

At the time of defendant's plea, the parties executed a plea agreement. Its salient terms are as follows:

- **Relevant Conduct (methamphetamine)**: The parties agree the base offense level is 34, because the relevant conduct includes at least 1,324 grams of methamphetamine (actual).
- **Firearms Enhancement**: The parties agree that a 2-level enhancement applies under § 2D 1.1(b)(1), because defendant possessed a dangerous weapon.
- **Sentencing Recommendation**: So long as defendant continues to demonstrate an acceptance of responsibility, the government agrees to recommend a sentence at the **low end** of the applicable guideline range. Defendant reserves the right to seek a further downward variance.
- **Dismissal of charges**: At sentencing, the government will move to dismiss the remaining charges against defendant.
- **Waiver of Appeal/Post-Conviction Relief**: Defendant agreed to waive appeal and post-conviction relief with the standard exceptions.
- **Forfeiture of Seized Assets**: Defendant agrees to forfeiture of the firearms and ammunition seized by law enforcement in this case.

The Court ordered a pre-sentence report (PSR) and sentencing is now scheduled for February 20, 2019, at 11:00 a.m.

GOVERNMENT'S SENTENCING RECOMMENDATION

For Count 1, the government recommends a sentence at the low end of the properly calculated guideline range: seventy-eight months' imprisonment. The government agrees with the calculations included in the PSR, including defendant's relevant conduct, the grouping of the offenses, the total adjusted offense level, and defendant's criminal history category. Because defendant continues to demonstrate his acceptance of responsibility, the government recommends a low-end guidelines sentence.

A sentence of seventy-eight months' imprisonment is reasonable here given defendant's significant role in trafficking more than a kilogram of methamphetamine, and his possession of numerous firearms. (PSR ¶¶ 19, 21-23.) A sentence of this duration also properly considers defendant's very limited criminal history. A seventy-eight month sentence will provide adequate punishment for defendant and protect the community from defendant's crimes, all while also satisfying the requirement of 18 U.S.C. § 3553(a), as a "sentence sufficient, but not greater than necessary" to meet the purposes of § 3553(a)(2). As to Count 5 (Training and Raising Fighting Birds), the government recommends a concurrent sentence of twenty-one months' imprisonment, three years of supervised release, and a \$100 fee assessment.

CONCLUSION

Based on the foregoing, the government recommends a sentence on Count 1 of the Indictment of seventy-eight months' imprisonment, five years of supervised release, and a \$100 assessment. As to Count 5, the government recommends a concurrent sentence of twenty-one months' imprisonment, three years of supervised release, and a \$100 fee assessment.

Dated: February 13, 2019

Respectfully submitted,

BILLY J. WILLIAMS
United States Attorney

s/ Peter D. Sax
PETER D. SAX
Assistant United States Attorney